

Safavians, the Neys and others and the Stephen Griles of the future before they have a chance to corrupt our system even more, to deliver to the American people a government as good and as honest as the people it represents.

I will come, before the day is out, and ask once again unanimous consent to appoint conferees in this legislation. The eyes of the country are upon us as to what we are going to do with ethics reform and lobbying reform in this Congress. Are we going to be prevented from completing this legislation? The answer is up to the minority, the Republicans.

Yesterday, I came to the floor to express appreciation to RICHARD LUGAR, the senior Senator from the State of Indiana, former chairman and current ranking member of the Foreign Relations Committee, for his comments on the tragic war in Iraq.

I have said on previous occasions that Democrats are virtually unanimous in our opposition to the war and united in our efforts to change course. But we face an obstinate President who refuses to hear the call of the American people. We face a Republican minority that has largely stood by his side as conditions in Iraq have deteriorated, and we have more than 3,500 dead Americans. I understand those who are wounded are approaching 30,000, a third of them grievously wounded.

Opposing the President of one's own party, especially on a war, is no small thing. And now Senator GEORGE VOINOVICH, another key Republican on the Foreign Relations Committee, has stepped forward along with Senator LUGAR to question what is going on in Iraq. In a letter to President Bush, Senator VOINOVICH urges the President to finally wake up to the truth so many of us already know: This war cannot be won militarily, can only be won politically, diplomatically, and economically. Senator JOHN WARNER said yesterday that he expects more Republicans to join our call for a responsible change of course.

When this war finally ends—and we are in the fifth year of this war, and it will end—this last period of time where we have had LUGAR, VOINOVICH, and WARNER speak out about the present situation in Iraq could be the turning point. This could be the moment when we break down the aisle that separates the two parties on Iraq.

So I say to my Republican colleagues who continue to follow President Bush's lead: Join with us. When I say "us," we now have at least five Republicans that I know of, and I would be happy to run through the names: HAGEL, SMITH, VOINOVICH, LUGAR, and WARNER have already spoken out. Join with us. We can extricate our troops from the firing line of another country's civil war. We can begin to rebuild our battered military so they can focus on the real threats we face around the world.

Remember what the National Council of Mayors did yesterday. They also

said, and voted by a majority, the war should end as soon as possible.

The first step has been taken by my Republican colleagues. We need more help. Now we need to put their brave words in action by working together to bring home our brave troops and deliver the responsible end to the war that the American people demand and deserve.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I understand the manager of the bill on the Republican side wishes to make a statement. I ask that it be made as in morning business. I ask unanimous consent that the Senator from Pennsylvania be recognized for 20 minutes and that at the conclusion of that 20 minutes, I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

#### IMMIGRATION

Mr. SPECTER. I thank the distinguished majority leader. I have sought recognition to comment on two subjects on the pending immigration bill.

First, it is my hope that my colleagues in the Senate will focus very closely on the extraordinary problems the United States faces today by the current status of our immigration laws and weigh very carefully, notwithstanding any objections people may have to the pending bill, the comparison of the bill with the status quo, what is in existence at the present time. The ultimate decision on whether to vote for or against the bill depends upon not what we would like to have, not what would be perfect, maybe not even what would meet the desires of the individual Members, but a comparison between what bill finally emerges and the status quo, what is happening at the present time, because what we really have in our immigration law is chaos and anarchy.

We struggled through legislation in the 109th Congress. It came through the Judiciary Committee, which I chaired in the 109th Congress, passed the Senate, and a different kind of a bill passed the House of Representatives. We could not go to conference, we did not resolve the issue, and it is back again this year. As I have said on a number of occasions on the floor, I think it probably would have been preferable to work through committee. I

think at this juncture, you can strike the "probably." It would have been preferable to work through committee in regular order. Whenever we leave regular order, we get into trouble.

So we structured it differently. We structured it with a hard-working group of Senators, up to 12, sometimes a rotating group, and we came up with a bill. We have been struggling with it on the Senate floor. We have found objections on all sides. We have found objections on the right that it is amnesty, and we have found objections on the left that it does not satisfy humanitarian needs and provide for family reunification, but we continue to push ahead. But I think it is plain that if the Senate does not come up with a bill, doing the best we can now, the subject will be cut off for the indefinite future. Certainly it will not come back up this year when we have a very crowded agenda on appropriations bills and patent reform and many other subjects. It is unlikely to come up next year in a Presidential and congressional election year. Then we are looking at 2009, and we have no reason to expect that the issue will be any easier in 2009 than it is today except that we would have lost more time.

We also ought to bear in mind that the Senate bill is not the final product. We will yet have a House bill, we will yet have conference, and we will yet have an opportunity to meet objections which are presently lodged against the bill.

Just a word of explanation. When I tear up, it is a result of chemotherapy; it is not a result of sadness on the current status of the immigration bill.

There is unity of judgment in both the House and the Senate, and I think broadly across America, that we need to reinstate the rule of law. We need to fix our broken borders. We need to have law enforcement against individuals who knowingly hire illegal immigrants. That is a very major part of the pending bill. The current bill provides for an increased Border Patrol from 12,000 to 18,000—6,000 new people.

It provides for additional fencing, although fencing was legislated in the 109th Congress. It provides for drones to fly overhead. It provides for fencing to protect urban areas. While you can't build an impenetrable fence of more than 2,000 miles above the border, we do cover a great deal of border protection. But no matter how secure the border is, as long as there is a magnet so people can get jobs in the United States which are better than other places, immigrants will be attracted, illegal immigrants will be attracted. That is why we have structured provisions in this bill to have foolproof identification so employers will be able to know with certainty whether an individual is a legal or an illegal immigrant. That being the case, if employers hire illegal immigrants knowing they are illegal immigrants because they are in a position to make that determination, it is fair to have sanctions, and for repeat offenders tougher

sanctions, and for repeat offenders, confirmed recidivists, to have jail time so we will provide the incentives of law enforcement on white-collar crime, which is very effective as a deterrent. I have seen that from my own experience as a prosecuting attorney.

In this bill we have issues which are agreed upon by everyone to secure our borders, to impose the rule of law, and to control illegal immigration. But that is not the end of the issue on comprehensive legislation. We have a guest worker program. In the midst of many objections which I am receiving about the bill, I am also hearing a great deal from people who say we need to have immigrant workers, that they are a vital part of our workforce. The landscapers have contacted me. The farmers have contacted me. Restaurateurs have contacted me. Hotel associations have contacted me. The agriculture needs in California have been expressed repeatedly on the floor of this body. So we do need the workers. The Chamber of Commerce and the other organizations are very forceful in articulating that need.

We have tried to balance it so we do not take away American jobs and so we are sensitive to the objections which the AFL-CIO has raised. We reduced the number of the guest worker program from 400,000 to 200,000. We tried to take into consideration the H-1B workers so that we bring in people with advanced degrees and technical knowledge to help Silicon Valley and other entities which are seeking more along that line. The bill is structured in a very sensitive way in that direction.

Then we have the 12 million undocumented immigrants. No one knows the exact number, but that is the number which we have utilized, a number which the Pew Foundation says is about right from their surveys. We have a cry that we will be giving amnesty to these 12 million individuals. We have done our best to structure a bill which requires these undocumented immigrants to earn the right to the path of citizenship. We have imposed fines. We have the requirement in the bill now, through amendment, that they have to pay back taxes. We require they learn English. We require the undocumented immigrants hold jobs for a part of our society. We have a so-called touchback provision which I am not enthusiastic about. I have grave reservations about punitive measures which do not have some substantive meaning, but that concession has been made to try to avoid the amnesty claim. We have gone about as far as we can go. Amnesty, like beauty, may be in the eye of the beholder.

One thing is plain: The 12 million undocumented immigrants are going to stay in the United States one way or another. They are going to stay here unless we find a way to identify those who are criminals and who could and should be deported, those who may be problems on terrorism. It is agreed that you can't deport 12 million un-

documented immigrants. But if we can find a way to so-called "bring them out of the shadows," we can identify those who ought to be deported in manageable numbers.

Secretary of Homeland Security Michael Chertoff has accurately said that the current situation, with 12 million undocumented immigrants, is silent amnesty. So they are here, one way or another, silent amnesty or amnesty. But one thing we could do if we move ahead with the legislation is to avoid the anarchy which is here at the present time.

I urge my colleagues, in formulating their judgment on the next critical cloture vote and on the issues of the point of order which will be raised, both of which will require 60 votes, to consider very carefully our best efforts at legislation which may be improved upon even more on the pending amendments, may be improved upon even more, contrasting that with the current situation, the status quo, which is totally objectionable.

I want to comment about one other subject, and that is the procedures which we are undertaking on this bill. We have come to an approach which, quite frankly, I would prefer not to have seen adopted. I would have preferred to have proceeded as we did at the start of the consideration of this bill before the majority leader took it off the calendar, where we were entertaining amendments from all sides. When the majority leader moved for cloture, I joined most of my colleagues on this side of the aisle, on the Republican side, in voting against cloture so people could have an opportunity to offer their amendments and the minority would not be stifled. I think on some occasions in the past, there have been efforts to stifle the minority and not allow them to bring up amendments. I stood with my Republican colleagues in voting against cloture.

Then we spent hours on the floor of the Senate where the objectors—really the obstructionists; well, let's call them objectors, I withdraw the comment "obstructionists"—were exercising their rights. It is better to use a more diplomatic language and to accord all colleagues the full panoply of their rights. They were exercising their rights. But we sat around here. As the manager of the bill, I have to sit on the floor because something may happen; unlikely, but something may happen. I sat around for hours again yesterday. I don't mind hard work, but I do mind no work. But we sat around for hours on Thursday afternoon where the objectors wouldn't offer amendments, and they wouldn't allow anybody else to offer amendments. That is unacceptable, just unacceptable.

So I joined my colleagues, seven of us on the Republican side, and voted for cloture to cut off debate, and it failed. Then understandably the majority leader took the bill down. Now we have a very limited period of time, because we are about to embark on the 4th of

July recess. When we come back there is a full agenda. As I said earlier, if we don't take the bill up now, it is not going to happen this year and probably won't happen next year. When we look at 2009, the same kind of problems we will face then, we face now, except they will be worse.

So a procedure has been structured now where we have 25 amendments. That is going to be the full extent. Yesterday the distinguished junior Senator from Oklahoma said he wanted an opportunity to offer amendments. I don't disagree with his philosophy, but in order to have had that opportunity, they had to have been done when we first had the bill on the floor. If the bill is to be moved along, we are going to have to proceed as we are now.

Our plan is to seek unanimous consent on these 25 amendments for a limited period of time. We have the proponents of the amendments, and opponents, and they are prepared to take a limited time agreement. Now we are equally divided. If Senators get down to business and get down to issues in an hour, you can debate the salient points. You probably aren't going to change any minds, anyway, around here, but you can have the debate in a pro forma way and get it done. But those time agreements will not proceed if there are objections to the time agreements, and we won't be able to have even limited debate.

The plan has been worked out. I don't like the plan, but it is the best we can do. It is the least of the undesirable alternatives. As a manager, I am going to move to table Democratic amendments, and Senator KENNEDY, as the manager, is going to move to table Republican amendments. So if there is no agreement on this limited time, there won't be any debate at all, and we are going to move right ahead for the disposition of the bill. If someone seeks recognition to speak with the managers controlling the floor, we will ask for unanimous consent that the speaker agree that no amendment will be offered and that there will be discussion only on the bill and for a limited period of time, a very limited period of time.

That is not the way the Senate ordinarily does business. Ordinarily if there is a request for unanimous consent on a time agreement on a pending amendment, if there is an objection, then there is no time limit and people debate it at some length, or they may filibuster it. But that is not going to happen on this bill at this time, because the day for amendments to be offered and regular order to be followed is past.

If we are to have a resolution of this issue, we are going to have to move ahead under this constricted and constrained procedure which, again, I don't like, but we are being forced to by the circumstances which we find ourselves in.

Just as we respect the rights of the objectors to raise the objections they have, we have rights, too. The way we

are proceeding is fully within the rules of the Senate. It is going to be a rough ride. We are in trench warfare, and it is going to be tough. But we are going to see the will of the Senate work one way or another. I hope, as I said earlier, my colleagues will, on the merits, take a close look at a comparison between the legislation we will produce with the unacceptable, unsatisfactory anarchy we have in immigration law today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, would the Chair report the bill, please.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### COMPREHENSIVE IMMIGRATION REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid amendment No. 1934, of a perfecting nature.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I appreciate the cooperation of all Senators, those for the bill, those who have some misgivings about the legislation. I think we are at a process here now where I am going to ask unanimous consent that the time between now and 11:30 be for debate only, equally divided between the two managers, and of the minority time, there be 10 minutes for Senator DEMINT, and that following the use of all this time, at 11:30, I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object, the amendment is not yet ready. I would request that the leader keep us in morning business for the next hour. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

#### MORNING BUSINESS

Mr. REID. Mr. President, having heard from my friend from South Carolina, I ask unanimous consent that the time between now and 11:30 be for morning business—we can go into morning business—and the time be equally divided between the two managers; and of the minority time there be 10 minutes for Senator DEMINT—recognizing that people can talk about im-

migration or anything they want during this period of time—and that at 11:30 I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, I want the RECORD spread with this: I have told a number of my colleagues who have some misgivings about this legislation that there are no tricks being done. We are just trying to move this legislation along as quickly as we can. If anyone has a problem—as my friend just had—if we can do that, we can always change the process. I am happy to do that. So we are now in a period of morning business with the time controlled by Senator KENNEDY and Senator SPECTER.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent—if I may have the attention of the distinguished majority leader—that of the time allocated to this side of the aisle, that 15 minutes be allocated to Senator HUTCHISON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that 15 minutes of our time be allocated to the Senator from Virginia, Mr. WEBB.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IMMIGRATION

Mr. KENNEDY. Mr. President, the Senate today must make a choice. We can listen to the American people and support comprehensive immigration reform or we can ignore their voice and allow a dysfunctional immigration system to continue, at serious risk to our national security.

If we do not choose reform, we will perpetuate a system that allows 500,000 illegal immigrants to enter the United States each year, forces 12 million illegal immigrants to live in the shadows, and fosters a culture of fear and hatred against immigrants.

America demands change. Our bill provides the change the country needs. Change is not easy. There is much to criticize in this bill, but criticism is much easier than rolling up your sleeves and finding a solution.

The American people are growing impatient for a solution. Yesterday, the Washington Post reported that more than 1,000 bills have been introduced in the last year by State legislators fed up with congressional inaction.

States and cities are starting to step in and solve their immigration problems in their own way, regardless of the national interest. We cannot let that happen.

We are the guardians of the national interest. The national interest de-

mands action on immigration. If you are for a national immigration policy, a policy that is bipartisan in spirit and determined to succeed, then support this bill.

This bill contains the toughest and most comprehensive crackdown on illegal immigration in our Nation's history. It enhances our national security through tougher border protections. It ensures that criminals do not enter this country or receive immigration benefits. It prevents undocumented workers from obtaining jobs, and cracks down on employers who defy the law by hiring them.

This bill tackles the essential problem of providing the workers our economy needs. It will allow businesses to recruit temporary immigrants as workers—workers who will return home—if American workers and legal immigrants are not available to fill needed jobs.

This bill will allow families to plan for the future by tackling the plight of 12 million people hidden in the shadows of this country. We are giving undocumented immigrants a chance to earn legal status. People deserve this chance if they pay stiff fines, work for 8 years, pay their taxes, learning English, and go to the back of the line to wait their turn.

The American dream is a story of immigrants. We now have an opportunity to write a new chapter in the story of the American dream—an opportunity to enact tough but fair measures that protect our national security, restore the rule of law, and uphold our tradition as a nation of immigrants.

I look forward to the coming debate. Let's go forward together and achieve genuine immigration reform.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator has 26 minutes, of which 15 has been dedicated to the Senator from Virginia.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I want the Senator from Virginia to have his full 15 minutes, and then, if it is agreeable, I will have what is left.

Mr. KENNEDY. Mr. President, I ask unanimous consent that following the Senator from Virginia, the Senator from California be recognized, and the remaining time on our side be allocated to her.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I would be happy to yield, at this time, to the Senator from California, and then follow her, if she so desires.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to just take a few minutes this morning—I have spoken about this before—to address the motivations I have behind the amendment I have offered and to express my hopes that our colleagues will support this amendment. I